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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/671,861
	Filing Date	09/25/2003
	First Named Inventor	Michael Lee
	Art Unit	2621
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	013590-133022

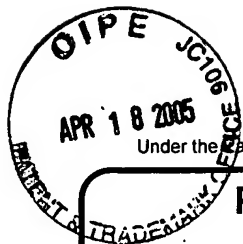
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	SCHWABE, WILLIAMSON & WYATT, P.C.		
Signature			
Printed name	Christopher J. Lewis		
Date	04/13/2005	Reg. No.	51246

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Heather L. Adamson	Date	04/13/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PROCESSING FEE  
Under 37 CFR 1.17(i)  
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/671.861
Filing Date	09/25/2003
First Named Inventor	Michael Lee
Art Unit	2621
Examiner Name	Not Yet Assigned
Attorney Docket Number	013590-133022

Enclosed is a paper filed under 37 CFR 1.48 that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 500393 :  
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

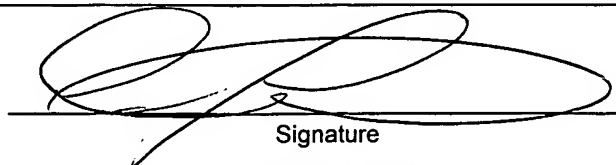
☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

  
Signature

Christopher J. Lewis

Typed or printed name

04/13/2005

Date

51246

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Michael Lee, et al.

Application No.: 10/671,861

Filed: 09/25/2003

For: IDENTIFYING DEFECTS IN  
DECORATIVE WOOD PANELS

Examiner: Not Yet Assigned

Art Group: 2621

Confirmation No.: 5373

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or Printed: Heather L. Adamson

Signature: Heather L. Adamson Date: 04/13/2005

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.48 FOR INVENTORSHIP CHANGE**

Dear Sir:

Applicants submit this petition under 37 C.F.R. §1.48 and respectfully request that Sigmund Sundfjør be added as a joint inventor to the above-referenced patent application. The following accompanying documentation is being submitted in support of this petition:

1. A statement from the inventor being added, Sigmund Sundfjør, indicating that the mistake in initial inventorship was done without deceptive intent; and
2. A duly executed Supplemental Combined Declaration and Power of Attorney executed by all inventors, namely, Michael Lee, Steve Pung, Vidar Solli and Sigmund Sundfjør.

Enclosed is a check for \$130.00 pursuant to 37 C.F.R. §1.17(i).

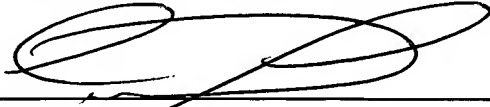
The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

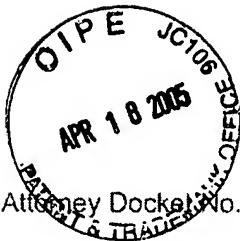
Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: \_\_\_\_\_

4/13/05  
Pacwest Center, Suites 1600-1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981

  
\_\_\_\_\_  
Christopher J. Lewis  
Reg. No. 51246



Attorney Docket No. 013590-133022

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lee, et al.

Application No.: 10/671,861

Filed: 09/25/2003

For: IDENTIFYING DEFECTS IN  
DECORATIVE WOOD PANELS

Examiner: Not Yet Assigned

Art Group: 2621

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Typed or Printed: Heather L. Adamson

Signature: Heather L. Adamson

Date: 04/13/2005

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

INVENTOR STATEMENT REGARDING INVENTORSHIP

In error, I, Sigmund Sundfør of Kongsberg, Norway, was not originally included as a joint inventor of the patent application entitled IDENTIFYING DEFECTS IN DECORATIVE WOOD PANELS, Application No. 10/671,861, filed 09/25/2003. This omission was not done with any deceptive intention on my part.

Therefore, I hereby assert that I am a joint inventor of the aforementioned patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 4. March 2005

Sigmund Sundfør  
Sigmund Sundfør

**SUPPLEMENTAL COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR A PATENT APPLICATION**

**INVENTORSHIP IDENTIFICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

***IDENTIFYING DEFECTS IN DECORATIVE WOOD PANELS***

**SPECIFICATION IDENTIFICATION**

the specification of which

\_\_\_\_\_ is attached hereto.  
☒ was filed on 09/25/2003 as  
 United States Application 10/671,861  
 or PCT International Application Number \_\_\_\_\_  
 and was amended on \_\_\_\_\_  
 (if applicable)

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

**PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No

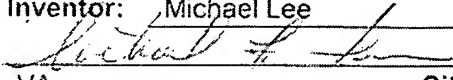
### POWER OF ATTORNEY

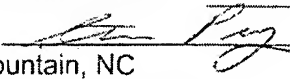
I hereby appoint the Practitioners at **Customer No. 0025943** as my patent attorney(s)/agent(s); with full power of substitution and revocation, to prosecute this application identified above, and to transact all business in the U.S. Patent and Trademark Office connected herewith.

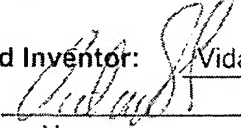
Send all correspondence and direct telephone calls to: **Customer No. 0025943**.

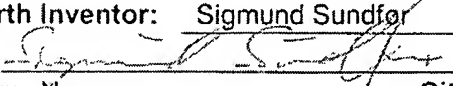
### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Michael Lee  
Inventor's Signature:  Date: 3/5/04  
Residence: Danville, VA Citizenship: USA  
(City, State) (Country)  
Post Office Address: 2204 Windridge Court, Canville, VA 24540

Full Name of Joint/Second Inventor: Steve Pung  
Inventor's Signature:  Date: 3/1/05  
Residence: Black Mountain, NC Citizenship: USA  
(City, State) (Country)  
Post Office Address: 5 Chestnut Lodge Rd., Black Mountain, NC 28711

Full Name of Joint/Third Inventor: Vidar Solli  
Inventor's Signature:  Date: 7/2/05  
Residence: Kongsberg, Norway Citizenship: Norway  
(City, State) (Country)  
Post Office Address: Baneveien 44, 3612 Kongsberg, Norway

Full Name of Joint/Fourth Inventor: Sigmund Sundfor  
Inventor's Signature:  Date: 7 March 05  
Residence: Kongsberg, Norway Citizenship: Norway  
(City, State) (Country)  
Post Office Address: Dyrmyrgate 35, N-3611 Kongsberg, Norway

**Title 37, Code of Federal Regulations, Section 1.56**  
**Duty to Disclose Information Material to Patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.